

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : NO. 23-00289  
: :  
REGINALD RINALDO TALTON : :  
: :  
Debtor : CHAPTER 13

**OBJECTION TO CHAPTER 13 PLAN CONFIRMATION BY  
SECURED CREDITOR MIDDLE SMITHFIELD TOWNSHIP**

1. Debtor is Reginald Rinaldo Talton.
2. Debtor owns real property located at 130 Pebble Beach Court, East Stroudsburg, Middle Smithfield Township, Monroe County, Pennsylvania, otherwise identified as Tax Parcel No. 09.96873 (“Property”).
3. Middle Smithfield Township (the “Township”) provides sewer services to the Property.
4. On or about September 20, 2021, the Township filed a Municipal Lien Claim against the Property for Sewer services and related fees for the time period beginning January 1, 2017 through September 13, 2021 in the amount of \$5,455.20. Said Municipal Lien Claim is filed in Monroe County Court of Common Pleas at docket number 5269-CV-2021, which is attached hereto and made a part hereof as Exhibit “A.”
5. On or about February 28, 2023, the Township filed a Municipal Lien Claim against the Property for Sewer services and related fees for the time period beginning September 14, 2021 through January 31, 2023 in the amount of \$1,921.27.<sup>1</sup> Said Municipal Lien Claim is filed in Monroe County Court of Common Pleas at docket number 1371-CV-2023, which is attached hereto and made a part hereof as Exhibit “B.”

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<sup>1</sup> The 2023 Municipal Lien Claim states that the charges are through 2/17/23; however as evidenced by the statement of account attached to the lien, the amounts included in the lien only include through 1/31/23.

6. Contemporaneously with the filing of this Objection, the Township is filing a Proof of Claim, listing the amount of the claim as \$7,451.72.

7. Debtor's Chapter 13 Plan cannot be confirmed as the Township's claim is secured in the amount of \$2,320.20, and Debtor's Plan fails to pay the outstanding sum due and owing on the liens, which is substantially less than the value of the Property.

8. Debtor's proposed Chapter 13 Plan does not appear to address payment of the Debtor's arrearages with the Township.

9. Further, Debtor has failed to pay post-petition charges for sewer service in the amount of at least \$175.00 and has not made arrangements with the Township in regard to payment of sewer service post-petition.

10. The Debtor's proposed plan does not adequately address how the Debtor intends to cure past delinquencies or how Debtor will pay for subsequent sewer charges.

11. The Debtor's Chapter 13 Plan is unjust and unfeasible.

WHEREFORE, Middle Smithfield Township respectfully requests that this Honorable Court deny confirmation of Debtor's Chapter 13 Plan for failure to comply with the requirements of the Bankruptcy law or to require an amendment to Debtor's Chapter 13 Plan providing for payment consistent with the facts set forth herein above.

Respectfully Submitted,  
GRIM, BIEHN & THATCHER

By: /s/ Kelly L. Eberle  
Kelly L. Eberle  
Attorney for Middle Smithfield Township

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : NO. 23-00289  
: :  
REGINALD RINALDO TALTON :  
: :  
Debtor : CHAPTER 13

**CERTIFICATE OF SERVICE**

I, KELLY L. EBERLE, attorney for Middle Smithfield Township, do hereby certify that a true and correct copy of the Objection of Secured Creditor Middle Smithfield Township to Plan Confirmation has been served this 10<sup>th</sup> day of May 2023, by first class mail, postage pre-paid, upon those listed below:

J. Zac Christman, Esquire  
556 Main Street , Suite 12  
Stroudsburg, PA 18360  
*Attorney for Debtor*

Jack Zaharopoulos  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
*Trustee*

Reginald Rinaldo Talton  
130 Pebble Beach Drive  
East Stroudsburg, PA 18302  
*Debtor*

\* Interested Parties (if any)

GRIM, BIEHN & THATCHER

Dated: May 10, 2023 By: /s/ Kelly L. Eberle  
Kelly L. Eberle  
Attorney for Middle Smithfield Township

# **EXHIBIT “A”**

MIDDLE SMITHFIELD TOWNSHIP

: IN THE COURT OF COMMON PLEAS  
: MONROE COUNTY, PENNSYLVANIA

v.

: No. 5269- CIVIL-20 21

REGINALD TALON

: AMOUNT OF CLAIM:\$5,455.20

*Claimant,*

:

*Defendant,:*

:

**MUNICIPAL CLAIM FOR SEWER RENTALS AND CHARGES**

1. The name of Claimant is Middle Smithfield Township, a township of the Second Class of the Commonwealth of Pennsylvania, located in the County of Monroe and having an address of 147 Municipal Drive, East Stroudsburg, Pennsylvania 18302.

2. The name and last known address of the owner of the property against which this claim is filed is Reginald Talon, 130 Pebble Beach CT, East Stroudsburg, PA 18302.

3. The property against which this claim is filed is described as follows:

**ALL THAT CERTAIN** lot or piece of ground SITUATE in the Township of Middle Smithfield, County of Monroe and Commonwealth of Pennsylvania, more fully described in a deed dated 05/19/2015, and recorded in Monroe County in Record Book 2453, Page 8732.

**BEING** Monroe County Tax Parcel No. 09.96873.

4. The charges for which this claim is filed and levied arise pursuant to Section 1 of the Act of July 18, 1935, P.L. 1286 (the "Sewer Rental Act"), as amended, 53 P.S. §2331, as well as the Act of May 1, 1933, P.L. 103 (the "Second Class Township Code"), as amended, 53 P.S. §67511, together with such other amendments, supplements and all other Acts relating to sewer rentals or charges and the pertinent resolutions and/or ordinances of the Township of Middle Smithfield levying such rentals or charges.

MONROE COUNTY, PA  
2023 SEP 20 P 3:22 PM  
NOTARY PUBLIC

5. This claim is filed pursuant to the Municipal Claims and Tax Liens Law, 53 P.S. § 7101, *et seq.*

6. This claim is filed for the use of sanitary sewer service to the above-described property, surcharges, and/or late fees from 01/01/2017 to and including 09/13/2021.

7. The amount of this claim is summarized as follows:

Amount Owed:	\$ 4,550.00
Late Fee/Collections:	\$ 425.00
Interest:	\$ 480.20
Lien Recording Fee:	\$ <u>75.25</u>
Total Amount Owed:	\$ 5,530.45

8. A true and correct copy of Middle Smithfield Township's detailed financial transaction summary, justifying the \$5,530.45 total amount owed (through 09/14/2021) is attached hereto as Exhibit "A".

9. The Prothonotary of Monroe County is requested to enter the above claim in the proper and appropriate docket and upon the judgment and locality indices.

**MIDDLE SMITHFIELD TOWNSHIP**

Dated: 9/15/2021

By: Joan H. Woisin

Joan H. Woisin – Sewer Coordinator  
Middle Smithfield Township

## Customer Statement

A005  
09/16/2021

Middle Smithfield Township Sewer Department  
 147 Municipal Dr  
 East Stroudsburg, PA 18302  
 570-223-8920, Ext. 115

Account B03-1012-0  
 Name REGINALD R. TALTON  
 Address 130 PEBBLE BEACH COURT E. STROUDSBURG, PA 18302

For 01/01/2017 to 09/16/2021

Date	Transaction #	Bill #	Usage	Transaction Amount	Running Balance
01/05/2017	7877	4210	0	175.00	1,535.73
03/09/2017	47705			25.00	1,579.14
03/09/2017	32114			18.41	1,579.14
04/03/2017	18006	14339	0	175.00	1,754.14
06/06/2017	53335			25.00	1,800.18
06/06/2017	33878			21.04	1,800.18
07/01/2017	19718	16051	0	175.00	1,975.18
09/13/2017	57496			25.00	2,023.85
09/13/2017	34466			23.67	2,023.85
10/02/2017	12953	9286	0	175.00	2,198.85
12/05/2017	29167			26.30	2,250.15
12/05/2017	42277			25.00	2,250.15
01/01/2018	4486	819	0	175.00	2,425.15
03/13/2018	46205			25.00	2,479.08
03/13/2018	30957			28.93	2,479.08
04/01/2018	14667	11000	0	175.00	2,654.08
06/05/2018	33235			31.56	2,710.64
06/05/2018	52695			25.00	2,710.64
07/02/2018	23054	19387	0	175.00	2,885.64
09/06/2018	35082			34.19	2,944.83
09/06/2018	58396			25.00	2,944.83
10/01/2018	9611	5944	0	175.00	3,119.83
12/05/2018	29780			36.82	3,181.65
12/05/2018	42878			25.00	3,181.65
01/03/2019	6229	2562	0	175.00	3,356.65
03/06/2019	31557			39.45	3,421.10
03/06/2019	47096			25.00	3,421.10
04/01/2019	16384	12717	0	175.00	3,596.10
06/04/2019	52138			25.00	3,663.18
06/04/2019	32701			42.08	3,663.18
07/01/2019	21431	17764	0	175.00	3,838.18
09/06/2019	59057			25.00	3,907.89
09/06/2019	35758			44.71	3,907.89
10/01/2019	11329	7662	0	175.00	4,082.89
12/05/2019	30387			47.34	4,155.23
12/05/2019	43454			25.00	4,155.23
01/03/2020	24781	21114	0	175.00	4,330.23
03/05/2020	60924			25.00	4,405.20

# Customer Statement

A005  
09/16/2021

Middle Smithfield Township Sewer Department  
147 Municipal Dr  
East Stroudsburg, PA 18302  
570-223-8920, Ext. 115

Account B03-1012-0  
Name REGINALD R. TALTON  
Address 130 PEBBLE BEACH COURT E. STROUDSBURG, PA 18302

For 01/01/2017 to 09/16/2021

Date	Transaction #	Bill #	Usage	Transaction Amount	Running Balance
03/05/2020	36297			49.97	4,405.20
04/01/2020	26425	22758	0	175.00	4,580.20
07/03/2020	28051	24384	0	175.00	4,755.20
10/01/2020	66515	37763		175.00	4,930.20
01/07/2021	74192	57674		175.00	5,105.20
04/01/2021	81494	83042		175.00	5,280.20
07/02/2021	90967	92926		175.00	5,455.20
09/14/2021	96997			75.25	5,530.45

## Totals

Type	Total
Adjust	75.25
Bill	3325.00
Penalty	769.47

**Total Usage: 0**

# **EXHIBIT “B”**



MIDDLE SMITHFIELD TOWNSHIP

*Claimant,*

v.

REGINALD TALTON

*Defendant,:*IN THE COURT OF COMMON PLEAS  
MONROE COUNTY, PENNSYLVANIANo. 1371 - CIVIL-20 23

AMOUNT OF CLAIM \$1,921.27

PROTHONOTARY  
FEB 28 A.D. 15  
MONROE COUNTY, PA

**MUNICIPAL CLAIM FOR SEWER RENTALS AND CHARGES**

1. The name of Claimant is Middle Smithfield Township, a township of the Second Class of the Commonwealth of Pennsylvania, located in the County of Monroe and having an address of 147 Municipal Drive, East Stroudsburg, Pennsylvania 18302.

2. The name and last known address of the owner of the property against which this claim is filed is Reginald Talton, 130 Pebble Beach Court, East Stroudsburg, PA 18302.

3. The property against which this claim is filed is described as follows:

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**BEING** Monroe County Tax Parcel No. 09.96873.

4. The charges for which this claim is filed and levied arise pursuant to Section 1 of the Act of July 18, 1935, P.L. 1286 (the "Sewer Rental Act"), as amended, 53 P.S. §2331, as well as the Act of May 1, 1933, P.L. 103 (the "Second Class Township Code"), as amended, 53 P.S. §67511, together with such other amendments, supplements and all other Acts relating to sewer rentals or charges and the pertinent resolutions and/or ordinances of the Township of Middle Smithfield levying such rentals or charges.

5. This claim is filed pursuant to the Municipal Claims and Tax Liens Law, 53 P.S. § 7101, *et seq.*

6. This claim is filed for the use of sanitary sewer service to the above-described property, surcharges, and/or late fees from 10/01/2021 to and including 02/17/2023.

7. The amount of this claim is summarized as follows:

Amount Owed:	\$ 1,050.00
Interest:	\$ 611.02
Late Fee/Collections:	\$ 185.00
Lien Recording Fee:	\$ <u>75.25</u>
Total Amount Owed:	\$ 1,921.27

8. A true and correct copy of Middle Smithfield Township's detailed financial transaction summary, justifying the \$1,921.27 total amount owed (through 02/17/2023) is attached hereto as Exhibit "A".

9. The Prothonotary of Monroe County is requested to enter the above claim in the proper and appropriate docket and upon the judgment and locality indices.

**MIDDLE SMITHFIELD TOWNSHIP**

Dated: February 17, 2023

By: Joan H. Woisin  
Joan H. Woisin – Sewer Coordinator  
Middle Smithfield Township

## Customer Statement

A005  
02/17/2023

Middle Smithfield Township Sewer Department

147 Municipal Dr  
East Stroudsburg, PA 18302  
570-223-8920, Ext. 115Account B03-1012-0  
Name REGINALD R. TALTON  
Address 130 PEBBLE BEACH COURT E. STROUDSBURG, PA 18302

For 10/1/21 to 02/17/2023

Date	Transaction #	Bill #	Usage	Transaction Amount	Running Balance
10/01/2021	100045	103015		175.00	5,705.45
12/06/2021	114177	103015		25.00	5,730.45
12/06/2021	116007	103015		69.83	5,800.28
01/05/2022	118650	108256		175.00	5,975.28
03/03/2022	126518	108256		25.00	6,000.28
03/03/2022	127100	108256		72.46	6,072.74
04/01/2022	130404	116982		175.00	6,247.74
05/06/2022	135305			35.00	6,282.74
06/06/2022	144882	116982		25.00	6,307.74
06/06/2022	146655	116982		75.08	6,382.82
06/30/2022	151965	116982		94.09	6,476.91
07/01/2022	155178	141765		175.00	6,651.91
08/02/2022	163788	141765		98.12	6,750.03
09/07/2022	169403	141765		25.00	6,775.03
09/07/2022	171086	141765		99.97	6,875.00
10/03/2022	172997	141765		101.47	6,976.47
10/03/2022	176132	151907		175.00	7,151.47
12/01/2022	184803			75.25	7,226.72
12/07/2022	186960	151907		25.00	7,251.72
01/04/2023	190750	158631		175.00	7,426.72
01/26/2023	193548			-323.00	7,103.72
01/31/2023	193957			323.00	7,451.72
01/31/2023	193954			25.00	7,451.72
02/16/2023	196075			-323.00	7,128.72

**Totals**

Type	Total
Adjust	135.25
Bill	1050.00
Interest	611.02
Pay	-323.00
Penalty	125.00

**Total Usage: 0**